

Remarks

In the present response, claims 1 – 45 are presented for examination.

Claim Rejections: 35 USC § 101

Claim 29 is rejected under 35 USC § 101 as being directed to non-statutory subject matter. This rejection is moot since claim 29 is amended to recite a computer comprising memory and a processor. The memory stores a virtual machine monitor, a first operating system, and a second operating system. The processor runs the virtual machine monitor and first and second operating system instances on the virtual machine monitor.

Claim Rejections: 35 USC § 112

Claim 29 is rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that applicant regards as the invention. This rejection is moot since claim 29 is amended to recite a computer comprising memory and a processor. The memory stores a virtual machine monitor, a first operating system, and a second operating system. The processor runs the virtual machine monitor and first and second operating system instances on the virtual machine monitor.

Claim Rejections: 35 USC § 102(b)

Claims 1 – 45 are rejected under 35 USC § 102(b) as being anticipated by USPN 4,843,541 (Bean). These rejections are traversed.

Each of the claims recites numerous recitations that are not taught in Bean. Some examples are provided below for the independent claims.

Claim 1

As one example, claim 1 recites using a virtual machine monitor to prevent a first operating system instance from discovering a second hardware partition. Nowhere does Bean teach a virtual machine partition that prevents an operating system from discovering

a hardware partition. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from discovering a hardware partition. Again, Bean teaches that guests are assigned to partition, but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware partitions. Thus, Bean does not teach the element in claim 1 that recites using a virtual machine monitor to prevent a first operating system instance from discovering a hardware partition.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed (see *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985)). For at least these reasons, claim 1 and its dependent claims are not anticipated by Bean.

As another example, claim 1 recites using a virtual machine monitor to prevent a second operating system instance from discovering a first hardware partition. Nowhere does Bean teach a virtual machine partition that prevents an operating system from discovering a hardware partition. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from discovering a hardware partition. Again, Bean teaches that guests are assigned to partition, but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware partitions. Thus, Bean does not teach the element in claim 1 that recites using a virtual machine monitor to prevent a first operating system instance from discovering a hardware partition.

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910

F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, claim 1 and its dependent claims are not anticipated by Bean.

Claim 20

As one example, claim 20 recites using a virtual machine monitor to expose operating system instances to their own partition but preventing each of the operating system instances from discovering other hardware partitions. Nowhere does Bean teach a virtual machine partition that prevents an operating system from discovering a hardware partition of another operating system instance. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from discovering a hardware partition of another guest. Again, Bean teaches that guests are assigned to partition, but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware partitions of another guest. Thus, Bean does not teach the element in claim 20 that recites using a virtual machine monitor to expose operating system instances to their own partition but preventing each of the operating system instances from discovering other hardware partitions.

In order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). For at least these reasons, claim 20 and its dependent claims are not anticipated by Bean.

As another example, claim 20 recites that the virtual machine monitor is transparent to the plurality of operating system instances. Bean does not teach this element. Further, the Examiner has failed to identify any location in Bean for teaching this element. As such, the Examiner has not established a prima facie case.

Anticipation is established only when a single prior art reference discloses each and every element of a claimed invention united in the same way (see *RCA Corp. v.*

Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444 (Fed. Cir. 1984)). For at least these reasons, claim 20 and its dependent claims are not anticipated by Bean.

Claim 29

As one example, claim 29 recites a computer comprising a virtual machine monitor that prevents a first operating system instance from discovering a second hardware partition. Nowhere does Bean teach a virtual machine partition that prevents an operating system from discovering a hardware partition. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from discovering a hardware partition. Again, Bean teaches that guests are assigned to partition, but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware partitions. Thus, Bean does not teach the element in claim 29 that recites using a virtual machine monitor to prevent a first operating system instance from discovering a second hardware partition.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed (see *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985)). For at least these reasons, claim 29 is not anticipated by Bean.

As another example, claim 29 recites a computer comprising a virtual machine monitor that prevents a second operating system instance from discovering a first hardware partition. Nowhere does Bean teach a virtual machine partition that prevents an operating system from discovering a hardware partition. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from

discovering a hardware partition. Again, Bean teaches that guests are assigned to partition, but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware partitions. Thus, Bean does not teach the element in claim 20 that recites using a virtual machine monitor to prevent a first operating system instance from discovering a hardware partition.

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, claim 29 is not anticipated by Bean.

Claim 30

As one example, claim 30 recites using a computer that runs first and second operating system instances. The claim then recites a virtual machine monitor for exposing a first operating system instance to a first partition but preventing this first operating system instance from discovering a second hardware partition. Nowhere does Bean teach a virtual machine partition that prevents an operating system from discovering a hardware partition. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from discovering a hardware partition. Again, Bean teaches that guests are assigned to partition, but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware partitions. Thus, Bean does not teach the element in claim 30 that recites using a virtual machine monitor to prevent a first operating system instance from discovering a hardware partition.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed (see *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985)). For at least these reasons, claim 30 and its dependent claims are not anticipated by Bean.

As another example, claim 30 recites using a computer that runs first and second operating system instances. The claim then recites a virtual machine monitor for exposing a second operating system instance to a second partition but preventing this second operating system instance from discovering a first hardware partition. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from discovering a hardware partition. Again, Bean teaches that guests are assigned to partition, but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware partitions. Thus, Bean does not teach the element in claim 30 that recites using a virtual machine monitor to prevent a first operating system instance from discovering a hardware partition.

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, claim 30 and its dependent claims are not anticipated by Bean.

Claim 38

As one example, claim 38 recites a computer memory encoded with a virtual machine monitor for exposing a first operating system instance to a first partition but preventing this first operating system instance from discovering a second hardware partition. Nowhere does Bean teach a virtual machine partition that prevents an operating system from discovering a hardware partition. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from discovering a hardware partition. Again, Bean teaches that guests are assigned to partition,

but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware petitions. Thus, Bean does not teach the element in claim 38 that recites using a virtual machine monitor to prevent a first operating system instance from discovering a hardware partition.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed (see *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985)). For at least these reasons, claim 38 and its dependent claims are not anticipated by Bean.

As another example, claim 38 recites a computer memory encoded with a virtual machine monitor for exposing a second operating system instance to a second partition but preventing this second operating system instance from discovering a first hardware partition. The Examiner cites Bean at column 7, line 55 to column 8, line 20. Applicants respectfully disagree.

Bean at column 7, line 55 to column 8, line 20 discusses partitioning a data processing system so different guests can simultaneously operate. Each partition and a subset of its resources are assigned a name. Guests are assigned to a partition and resources within the partition. Nowhere does Bean teach that a guest is prevented from discovering a hardware petition. Again, Bean teaches that guests are assigned to petition, but Bean never states or even suggests that a virtual machine monitor prevents a guest or its operating system from discovering one of the hardware petitions. Thus, Bean does not teach the element in claim 38 that recites using a virtual machine monitor to prevent a first operating system instance from discovering a hardware partition.

For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference (see *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990)). For at least these reasons, claim 38 and its dependent claims are not anticipated by Bean.

CONCLUSION,

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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